

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                        |   |                                  |
|------------------------|---|----------------------------------|
| TODD A. KING,          | ) | CASE NO. 1:22-CV-01372           |
|                        | ) |                                  |
| Plaintiff,             | ) | JUDGE DONALD C. NUGENT           |
|                        | ) |                                  |
| v.                     | ) |                                  |
|                        | ) |                                  |
| UNIT MANAGER PADILLA,  | ) | <u>ORDER</u>                     |
|                        | ) |                                  |
| and                    | ) |                                  |
|                        | ) |                                  |
| CORRECTIONAL COUNSELOR | ) | (This Order Applies to Documents |
| ORTIZ,                 | ) | ECF #38, ECF #45 & ECF #47)      |
|                        | ) |                                  |
| Defendants.            | ) |                                  |


For the reasons set forth in the Court's *Order Adopting the Report and Recommendation* of Magistrate Judge Reuben J. Sheperd, the Court independently finds under its *de novo* review obligations set forth in Fed. R. Civ. P. 72(b)(3) that Defendants Unit Manager Padilla's and Correctional Counselor Ortiz's *Motion for Summary Judgment* (ECF #38) should be GRANTED. The *Report and Recommendation* of Magistrate Judge Reuben J. Sheperd, issued August 23, 2024 (ECF #47), is ADOPTED in its entirety.

The Court further finds that the "*Motion for Summary Judgment*" filed by Plaintiff Todd A. King (ECF #45) – more appropriately postured as Plaintiff's "*Response in Opposition to Defendants' Padilla's and Ortiz's Motion for Summary Judgment*" (and which was treated as

such in the Magistrate Judge's *Report and Recommendation*) – should be DENIED insofar as such pleading was docketed on the record by the Clerk of Court as a separate “motion for summary judgment” to be ruled upon by this Court.

Accordingly, with Plaintiff King's prior Fourth and Fifth Amendment claims against all named Defendants having been dismissed by a previous Court order (ECF #6) pursuant to 28 U.S.C. § 1915(e), with Plaintiff King's prior Eighth Amendment claims against Defendants Warden Fender, Assistant Warden Ms. King, and Correctional Counselor Ortiz having been dismissed by that same order (ECF #6), with Plaintiff King's unasserted (but evaluated to the extent that his hand-written *pro se* complaint may have sought to assert such) First Amendment “retaliation” claims against Defendants Warden Fender, Assistant Warden Ms. King, and Unit Manager Padilla having been dismissed in that same order (ECF #6) – ***and the remaining First Amendment “retaliation” claim asserted against Defendant Correctional Counselor Ortiz and the remaining Eighth Amendment claim asserted against Defendant Unit Manager Padilla now being dismissed on summary judgment by this Order*** – there are no remaining claims still at issue in the case, and the case is dismissed in its entirety.

IT IS SO ORDERED.

  
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DONALD C. NUGENT  
United States District Judge

DATED: September 25, 2024